UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION	**CIVIL ACTION NUMBER: 1:19-md-02875-RBK-KW**
	STATUS CONFERENCE (Via telephone)

Wednesday, February 3, 2021
Commencing at 1:05 p.m.

B E F O R E: **SPECIAL MASTER, THE HONORABLE THOMAS I. VANASKIE**

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Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription.

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(ALL PARTIES VIA TELEPHONE, February 3, 2021, 1:00 p.m.)

JUDGE VANASKIE: Let's get started. I received a letter yesterday evening requesting on an emergent basis a conference call to address the scheduling issues in this matter and that letter came from Mr. Trischler, and I received a response letter earlier this morning from Mr. Slater.

And so, Mr. Trischler, you got the ball rolling. Do you want to address this matter first?

Let me back up for a minute. Everyone identify yourselves when you speak and we'll call upon you first, Mr. Trischler, and then I'll simply ask anybody else who wants to be heard to identify yourselves and you'll have a chance to be heard.

But we'll start with Mr. Trischler.

MS. SMITH: Excuse me, Judge, before we start -- excuse me, Mr. Trischler, before we start, I just wanted to find out if there was a court reporter on the phone call. Did we get one?

THE COURT REPORTER: Yes, Karen Friedlander

JUDGE VANASKIE: Yes, Karen is on the phone.

MS. SMITH: I didn't mean to interrupt, Judge, I just wanted to make sure.

JUDGE VANASKIE: That's okay. We had asked that earlier and Karen said she was here with us. We're all set to

go. All right? Okay. Mr. Trischler.

MR. GOLDBERG: Your Honor, this is Seth Goldberg. Clem, go ahead, I'm sorry, I didn't know you were on.

MR. TRISCHLER: That's okay, Seth. Thank you, Your Honor, this is Clem Trischler. I was going to lead my remarks by indicating that I had been tied up in a few other matters last evening and this morning, and I know there have been a few developments since this issue was initially raised, so I was going to invite some of my colleagues to add to the initial comments that I make, but to quickly summarize where we were, we spent a lot of time as the defense group thinking about some of the issues that came up in our call last Wednesday, and in particular, the comment from plaintiffs that they were not going to be able to complete their review of production materials prior to the depositions of witnesses.

And without trying to cast blame on anyone, because there's a long history with respect to the production and, you know, and I'm certain that if we had to relitigate that history, the plaintiffs will tell this Court that there were delays that they found unacceptable on the defense side, we would tell the Court that all case management orders were complied with and good faith attempts were made to produce documents as quickly as possible and that incredible amounts of resources were devoted to the production effort.

But without getting into any of that and without

doing -- engaging in any he said/she said blame game, what we really tried to do is look at, okay, if there is a problem here, what is the solution, and we -- and the conclusion we came to is the solution is very clear, the solution is not to proceed blindly with depositions that will only set the stage for motion after motion after motion with arguments being made that, well, we didn't have a chance to review this document so we need to re-depose this witness. And rather than proceeding in such an inefficient fashion, what we concluded on the defense side was that the logical thing to do, given that we don't have any trial dates, given that COVID has created a situation where there's unlikely to be a trial of any of these cases for some time, that the logical thing to do would be to pause, to allow plaintiff time to complete its document review.

There are other outstanding discovery issues on our side that we've run into with respect to production of medical records for some of the plaintiffs that would give, you know, a pause would give us time to do that. And so what we were basically proposing, and that pause being a period of 90 days, to allow the document discovery issues to be addressed, to allow any issues with privilege logs and related issues to be addressed.

We get all that taken care of and then instead of doing the depositions from what was planned to be January 19

to March 30, that we essentially move those dates back to May, June, July time period. You know, frankly, I don't see how that solution was prejudicial to anybody. We spent a lot of time thinking about it, trying to get a consensus of some 50-plus on our side. I believe we achieved that consensus and then so we've presented it to the plaintiffs yesterday, and the plaintiffs were, you know, very cooperative in terms of hearing us on short notice and, you know, we talked about the fact we wanted to bring it to the Court for immediate consideration. And so I want to thank the plaintiffs for their responsiveness to, you know, considering our proposal.

I know that Mr. Slater has recently proposed a counterproposal that I really haven't had a chance to look, at for various personal reasons, but essentially, I think what I've outlined is the idea behind the motion, the thought process behind the motion, and we believe that there's -- it is a solution that solves problems that helps us avoid endless discovery issues down the road and doesn't prejudice any party to this litigation.

And so with that, before hearing any questions or comments from the Court, I'd certainly invite Seth or anyone else on my side to add anything that I may have missed in light of recent developments.

MR. GOLDBERG: Thanks, Clem. This is Seth Goldberg for the record. I did want to just add, you know, Clem

referred to a pause, and I don't know that we would actually use -- we didn't actually propose a pause where there would be no depositions for the 90 days, but we had been proposing were that, you know, there would be nothing accomplished during that 90 days.

And, in fact, during the meet and confer yesterday and as set forth in our letter, we certainly intend to have depositions be taken during that 90-day period if it's warranted and to be resolving any of the other discovery issues. What we had proposed was to push all of the dates in the current scheduling order back by 90 days so that there would be more flexibility in this schedule, and, Your Honor, at least with respect to ZHP, is very aware of how compressed this schedule is, and that it is causing overlap in depositions, and our concern that really has already come up in depositions of defendants and depositions of plaintiffs is that we could get to a point where witnesses are being recalled to testify about documents that have already -- documents that were produced before the deposition and that the recalling of witnesses could become extremely disruptive to the overall case management schedule.

And so what we thought was a straightforward extension of all deadlines by 90 days would give the parties the flexibility to rework the schedule in such a way as to increase the likelihood that counsel would be prepared going

into a deposition and reduce the likelihood that a witness would be recalled for additional testimony down the line.

Plaintiffs' proposal today I think does two things; one, rather than a straightforward extension of the deadlines of -- all of the deadlines for 90 days, plaintiffs have proposed restructuring the internal deadlines in the case management order, and I'll just point out for Your Honor that those deadlines that are in the current order were carefully negotiated by the parties over weeks and weeks, and they reflect deadlines that affect not just the manufacturer defendants who are here on this issue at depositions, but affect all of the supply chain defendants. And so defendants are not and would not agree, we have not proposed, nor do we agree to a restructuring of the internal deadlines in calendar.

We simply proposed a straightforward across-the-board extension of each of the deadlines to avoid any sort of restructuring, and plaintiffs' letter today proposes some additional conditions on an extension, some of which are not, you know, not material really to the extension being requested, but, of course, some which have to do with the scheduling of depositions.

We are certainly open to working with plaintiffs to establish a new schedule that reflects more reasonability and more flexibility to avoid overlap and to ensure adequate

preparation for depositions.

JUDGE VANASKIE: All right. Anyone else want to be heard on behalf of the defendants before I call upon Mr. Slater?

Thank you, Mr. Goldberg. Mr. Slater.

MR. SLATER: Yes, Your Honor, hello, Adam Slater for the record. We laid out in our letter what we think is a pretty concise statement of what our position is on this, and trying to cut to the chase on it, we were much more comfortable with 30 days, but we didn't want to get into a situation where we said 30, they said 90, and then we'd have to come back. So we figured we would just try to go to the middle now on the 60 days and we actually laid out a schedule that doesn't disrupt the key deadlines very much at all, and that was our most important concern for the following reason:

We believe that this is a product where we are now of -- production deficiencies that we've been airing for, you know, months and months going back to last summer, and we were, you know, repeatedly told, no, the productions are going to be compliant and we now know that, as we said in the letter, we're getting productions for witnesses after their depositions or during their depositions.

So what we're concerned about is that this problem they've now manifested at a level that, obviously, the defendant take it very seriously, which we appreciate, but we

don't want that to then be a reason why all the deadlines get pushed out so far that the most important dates, which are class certification filings, *Daubert* filings, and then allowing the Court to, you know, get into a posture to rule on those things, get disrupted very much, and that's why we worked what we did into the schedule because there was some time that was built in already, we believe, when we looked at the schedule last night and this morning, and that's why we proposed the schedule we proposed.

We also, as Your Honor saw, proposed some, what we call parameters, and those were all set in order to, you know, taking everybody at face value of what they're saying in order to again cause the least disruption while at the same time solve the problems that have been enunciated, such as, problems getting documents to us that allows them -- that allows a little more time and hopefully enough time to get more documents out, but lets depositions to continue, requires rescheduling of depositions now, requires they be spread out in a more reasonable way, because we'll have more time to work with, that will help both sides, and then address two issues that we think will really help to make sure that we don't walk into a deposition and the defense, for example, finds out, oh, an important document wasn't produced. And I gave the example of the standard operating procedures and quality manuals, because that's an area where there's so many different

versions and drafts and revisions, that -- I think that if the interest is in not repeating the depositions, that in that type of a category of documents, with those 30(b)(6) depositions, there should be confirmation before the deposition of which ones actually applied and when, so that there's no question. And then, for example, when the defense goes through that exercise with us, if something is missing, because they consult with their 30(b)(6) witness who says, well, you know, you also need this and this and they realize it hasn't been produced or identified, then that can be done so we can do our own quality control before the deposition rather than doing a fire drill during and after the deposition, because we'd prefer to take the depositions once also.

So that's where that suggestion came from. We think that should be -- if there's an extension codified in an order, and the second thing is really a -- the next step beyond the conversation we had in the last conference about the privilege logs.

Again, taking what the defendants are saying at face value, it's critical that we put in a systemic process to address the privilege logs, address the process for challenging privileged designations, and what I've -- what we've suggested in our letter is what we did in *Benicar.* We had a standing meet and confer, people on both sides of the

case, just met on a rolling basis and just plowed through the privilege logs and it worked great, agreement was reached for the most part, I don't think any of the privilege challenges had to go to the Court, because the people meeting and conferring were realistic enough to know, okay, this is one that you're going to get anyway, et cetera.

So it institutionalized a process to deal with the privilege, and that's the privilege logs and privilege challenges on a rolling basis.

So again, what we put in there were means that we thought would help to give a more robust protection for all the parties to make sure that we're put to the test before the depositions happened to try to get the documents identified and produced, so that the depositions can go smoothly, and again, avoid the need for re-deposition.

We're obviously not waiving our right because if, for example, as has occurred with some depositions already, important documents are produced, for example, from a witness's custodial file after he or she is deposed. We certainly, you know, need to look at that. We're not saying we're going to ask for a re-deposition in every single instance.

Those lawyers who were involved in *Benicar* -- I did one of the co-leads. I think we might have continued one witness's deposition for a day or two, and there were no other

re-depositions with the same type of parameters. So we would hope that with an extension of 60 days along the lines of what we've suggested in our letter, we can stick to our schedule, we don't get the case thrown off, the back-end deadlines that matter the most are essentially preserved, and then the parties can start to work in a very cooperative way to get the schedules nailed down, to get the documents identified and then -- then take these depositions, and I'll hand off to my colleagues on the plaintiffs' side, if anybody feels something should be added to what I've said.

JUDGE VANASKIE: All right. Mr. Trischler or Mr. Goldberg, do you want to respond and then we can hash this out?

MR. GOLDBERG: Your Honor, this is Seth Goldberg. I will just emphasize, again, that defendants will not agree to the kind of schedule changes that plaintiffs have proposed and cannot agree. That schedule reflects weeks and weeks of negotiation. It also reflects dates that -- a schedule of dates that are based on Judge Kugler's rulings about the timing of general causation and class certification.

Judge Kugler was very clear that there would be no class certification if there's no general causation and set the schedule so that general causation issues will be resolved before class certification. Plaintiffs are using this as an opportunity, potentially, to compress that schedule that was

so carefully crafted and was just negotiated and presented to Judge Kugler on January 5th, and reworking the internal dates in the schedule is not something that defendants proposed, it was not discussed yesterday, and it is not something that is agreeable to defendants to the point of going forward on the current schedule, as Judge Schneider has said, because we think that that would be over -- that would not be the appropriate outcome to something that can be done very straightforward, which is just a 60- or 90-day extension of all dates.

And if there's a -- if, Your Honor, I suppose a 60-day extension of all dates is preferable, but short of that, defendants would simply stick with the current schedule.

JUDGE VANASKIE: All right. Thank you for that.

Mr. Slater, what about the point that Mr. Goldberg makes that this revised CMO 22 was carefully negotiated and structured in such a way that it makes sense to have certain deadlines follow certain events by a specified period of time. Number one, is that accurate and why shouldn't we be honoring that?

MR. SLATER: Well, it's -- I don't really, with all due respect, I don't -- to Mr. Goldberg, I don't agree. I don't think we agree and the idea that the, quote unquote, deadlines are somehow being changed in some substantial way, I'm not sure what Mr. Goldberg's talking about.

I mean, we lay out in our letter a few deadlines being moved out for the discovery to be done and for the expert reports to be written and served and for the expert depositions, but we've -- we've preserved the class certification deadline on September 3rd for us to file our motions and serve those expert reports. They're not dependent on what is being argued today about the productions and the fact witness depositions. So there's no reason to change that date.

We're still going to have all of our general causation experts deposed before that date, August 31st on our schedule. All we've done is move that date out from July 1 to August 31 to recognize the 60-day extension. I mean, it was done rote.

And the other dates, all we did was move out a few of the *Daubert* deadlines somewhat just to again recognize that we would need a little -- to push those out a little because the expert depositions needed to get done.

There's no change in the back end other than a few dates. It's really very small, so I don't accept what counsel is saying and, you know, if their concern is that they want to get the time to produce their documents so we don't have to re-depose their witnesses, then this schedule does that, it gives them the leeway to do it, it allows everything to be spaced out a little bit more in a way that probably works

better. I'm not sure what their concern is, because again, it doesn't change anything in terms of the sequence of the case.

Class certification motion, we didn't change any of those dates. We didn't change anything with that, and the *Daubert* catches up at the end, because we shrunk the time for our brief to be filed and we shrunk some of the other deadlines, so it's virtually the same. I don't really understand the criticism or the defense saying, well, if we don't -- if we don't just get to push all the dates out, we're not going to agree.

I mean, at this point, my view is that a situation has been put before Your Honor. We ask Your Honor to solve it. We have given what we think is a very reasoned, thoughtful response with what I've referred to as robust parameters to try to make sure that we work in a way that this is -- doesn't become an issue again, and then another request is made to extend the deadlines.

I suppose if the defense wants to withdraw their request, I suppose they can do whatever they want, but, you know, I'm not playing chicken here, I'm trying to get to a reasonable outcome of a scheduling issue in a large MDL. So I don't agree with what Mr. Goldberg said and I think that our schedule doesn't create the problem he's claiming it creates.

And the last thing I'll say is this: Whatever was submitted the beginning of January was back when the universe

wore in, was where the defense was telling us, we've complied with all our document production obligations, the plaintiffs are wrong, they keep saying the sky is falling, they're wrong. We know that universe and that reality doesn't exist because we know that documents are still being produced en masse now, and they're going to continue to be produced. So what we did and what we negotiated at that time were basically preserving and it was based on a different set of facts than what's now been admitted to the Court.

MR. HONIK: Your Honor, this is Ruben Honik. With the Court's permission, I would like to add a few points of context to what Mr. Slater has already shared that goes directly to your question about the relevant dates at the end of this calendar year.

JUDGE VANASKIE: Very well, Mr. Honik, go ahead.

MR. HONIK: Thank you. Your Honor, since 2019 and for virtually all of 2020, both Judge Kugler and Judge Schneider made it perfectly clear to all the parties that the leading decisional edge of this case would be resolution of the economic claims, and as such, the Court was completely focused on getting us to an economic class trial preceded by motions on Rule 23 class certification.

For much of this past year, the defendants resisted that, and wanted very much to have the Court entertain a separate track to address general causation, and after the

better part of a year of advocating that position, the Court relented, and said, okay, here's what we're going to do so long as it could be accomplished by about the end of calendar year 2021, I'm still going to entertain class certification, that's the leading edge of this case, but the Court allowed for a separate track to be developed on general causation. And as a result of that, and with that as the focus, the parties came up with dates at the end of -- roughly at the end of calendar 2021, and from that important set of dates, we backed into a period to complete discovery, and as Your Honor well knows, originally the Court wanted us to complete all of fact discovery by April.

We then agreed and the Court agreed and permitted us to modify that to let some of the discovery be completed by August. But the point of this context that I'm giving Your Honor is that it was critically important to Judge Kugler that at or by the end of this calendar year, that we would reach the decisional stage on both class certification and *Daubert*, and to emphasize what Mr. Slater has already said, much of that is going to be unrelated to the completion of this discovery.

That is to say, we can file and intend to file our Rule 23 motion for class certification in September. There's no reason to alter that, and I dare say, we'll honor what Judge Kugler has insisted should be our schedule. So I wanted

Your Honor to have the benefit of that.

JUDGE VANASKIE: Thank you very much.

MR. GOLDBERG: Your Honor, this is Seth Goldberg. May I --

JUDGE VANASKIE: Yes, Mr. Goldberg. Absolutely. What's your response?

MR. GOLDBERG: I think it's really important for Your Honor to understand the dates here, and what I'm saying about compressing is, there is no question that the parties went to Judge Kugler in December, we asked for permission in proposing this schedule and we very carefully, through many weeks, negotiated that schedule over many communications, and it involved every level of the supply chain because all of the scheduling changes would affect discovery obligations as to the retailers and the wholesalers and the plaintiffs, including class representatives who were named at the time and eventually named in an amended class action complaint.

It also affected the third-party discovery that's pending, and the schedule we came up with together have class certification being filed in late -- in September and the class certification issues running in the fall and into the early part of 2022. It had general causation issues being resolved and general causation briefing being -- *Daubert* briefing being completed in November of 2021, November 1st, so that the Court would have sufficient time between

November 1st, 2021, and March 15th, 2022, when the *Daubert* briefing on class certification would be completed, to resolve the issues of general causation, mindful that Judge Kugler was very clear on November 24th that general causation -- that if there is no general causation, there would be no class certification.

What plaintiff has proposed is to move all of the general causation dates back by 60 or 45 days, but to leave the class certification dates unchanged and thereby confessing the general causation and class certification schedule such that the time that the parties agreed would be provided to Judge Kugler to decide the general causation issue is compressed, if not eviscerated, so that we won't have a general causation issue, a general causation decided before class certification.

So what we are suggesting is either all of the dates are moved back by 60 or 90 days in order to preserve the structure that Judge Kugler approved, which is for general causation to precede class certification so that the issue of general causation could be decided before class certification, or to have no extension, but to rework the internal deadlines to eliminate that separation would be contradictory to what the parties negotiated and to what Judge Kugler said about general causation and class certification.

JUDGE VANASKIE: All right. Thank you very much.

Anybody else on the defense side?

Let me ask a question of either Mr. Honik or Mr. Slater. How are you prejudiced if we move everything back, say, 60 days, all these interim deadlines that were established in revised CMO 22?

MR. SLATER: Hello, Your Honor, it's Adam Slater. I think we're prejudiced --

JUDGE VANASKIE: Thank you, Mr. Slater.

MR. SLATER: Yes. I think we're prejudiced in the sense that the most important deadlines for us are the ones that get us to the point where we can ultimately get to a class certification posture and get to trial if this litigation can't be resolved.

I mean, Your Honor, when you came in, we had just spent a year with the defendants producing documents. They got massive extensions early in 2020 due to COVID and said, no problem, we're going to get everything produced by November and there won't be a document dump and none of those things happened. So it would be very unfair now for this situation to now kick the back-end date out 60 or 90 days because they don't need to be, and from our perspective, the deadlines were already pushed out so far due to how long it took the document productions to take place, that that would be very prejudicial.

I mean, we want to get to the point where we can get

class cert addressed. We want to get to the point where *Daubert* can be decided on the general causation experts. We want to be able to get to a point where this important work is done and the decisions are made so that if the litigation is not going to be resolved, we can go to trial, and we don't want this to be something where it's another two years or so before we can get this litigation in a posture for a trial, because that doesn't benefit anybody.

So that's where the prejudice is because there's a back end of delay that's already built in, so it continues to happen. So we want to minimize that.

JUDGE VANASKIE: But the structure that you had negotiated before called for, and I just want to make sure I understand this. I have revised CMO 22 here in front of me. Called for the deadline to file *Daubert* motions regarding general causation on August 31st, and then your deadline for class certification of September 3rd, so in short order after the deadline for the *Daubert* motions. And now you're proposing that class cert be sought before the *Daubert* motions are filed?

MR. SLATER: Judge, all it is is the filing of the class cert motions and service of our expert reports. That's the -- that's happened, and then all of the other deadlines regarding class cert at the back end aren't touched, they're not moved at all. So all this does is it puts more pressure

on us, frankly, to get our briefs and our expert reports in on that so that that process is initiated. But the rest of the sequence of the case, when you look at the deadlines that we've proposed, it doesn't change anything at the back end.

The *Daubert* will still be decided first and then the class certification will be decided. We haven't changed that sequence at all.

MR. GOLDBERG: Your Honor, this is Seth Goldberg. That's precisely --

JUDGE VANASKIE: Yes.

MR. GOLDBERG: -- the problem. That's precisely the problem. The problem is, by not changing the back-end dates on class certification but pushing back general causation, you are now compressing the time for the Court to decide general causation before the Court decides class certification, and the back-end dates have to change in order to keep the structure, and plaintiffs are looking at this as an opportunity to, you know, either renegotiate or relitigate the schedule, when all we are proposing is a very straightforward moving back of all of the dates.

And on the point of prejudice, it should be noted that whether the case is trial ready 60 days later or 90 days later is really immaterial, given that there's not going to be a trial in this case in 2021 or in early 2022, as Judge Kugler said in November. He's telling all civil litigants that

trials are not happening this year or next year, given the backlog due to COVID on his criminal docket.

So we really can't see how plaintiffs could be prejudiced by a 60- or a 90-day extension of these deadlines, and certainly defendants would be prejudiced by having to have witnesses re-deposed, and defendants would be prejudiced by not being able to take the depositions of the class representatives and personal injury plaintiffs without having all of the documents. And that's also an issue that we've -- we are dealing with.

MR. HONIK: Your Honor, this is Ruben Honik. May I be heard again?

JUDGE VANASKIE: Yes, Mr. Honik.

MR. HONIK: Your Honor, I was the principal negotiator with Mr. Goldberg on this schedule, and he will recall that their original schedule had all of these so-called back-end dates into the latter part of '21 -- excuse me, into '22 and into '23, and we were emphatic that that was way too long, not consistent with what Judge Kugler had ordered us to do, and we reached a firm agreement that by mid-February, all briefing, all briefing on class certification would be complete.

That was the foundation of this agreement, and using that as the end date by which the Court would have all the briefing, we then filled in the intermediate dates before, but

the concept that we negotiated, agreed to and the Court eventually blessed, began with an understanding that class certification would be fully briefed by all the parties as of mid-February.

It's presumptuous of any of us to think that just because we briefed something that the Court is somehow going to decide it on that same schedule, and the fact remains, there's no reason why *Daubert* motions on general causation cannot be briefed and argued while we brief class certification. All that means is the Court will have the thoughts of the parties in briefs on its desk ready for decision. That decisional point is going to be up to Judge Kugler. All we're maintaining is and identifying the problem that the defendants have brought to your attention on an emergent basis is a discovery problem. It should have no direct bearing or overbearing on these other dates. There's no reason.

We're the ones that have the burden of filing the opening brief on the class. We're the ones that are going to be challenged on *Daubert*. That can still take place with some minor adjustments that we have, and it's still sequenced in a way where general causation, which frankly goes primarily to the personal injury cases, and -- and I respectfully disagree with Mr. Goldberg's characterization of its relationship to class, but that's for another day.

The bottom line is, we can do both. We can brief the *Daubert* issues on general causation and almost simultaneously brief Rule 23, and at the same time, provide the needed relief on documents and depositions, which is the problem that's on the table. And I know it's neat and easy to simply say move everything 60 days, but respectfully, Your Honor, the negotiation that Mr. Goldberg keeps referring to, the seminal, foundational agreement was that all briefing on class would be complete by mid-February.

JUDGE VANASKIE: Thank you, Mr. Honik. What I'm struggling with here though, and maybe you'll want to respond to this question, is that you did have it sequenced. I mean, you did have these deadlines sequenced, and I guess what you're saying is, you backed into these deadlines by saying completion of briefing on the class certification motion by mid-February of 2022, and then you backed into all of these. Is that what you're saying, that the key date here was February of '22?

MR HONIK: Yes, and the Court had already indicated to the parties that April was going to be our discovery cutoff. So what we were doing -- I mean, the Court really didn't even entertain when class cert would be heard or briefed, and we introduced that into the negotiation. The Court was only interested in ensuring that the fact discovery would be completed, and then the defendants in their continued

insistence, the general causation, and frankly, they spent a year and a half trying to convince the Court unsuccessfully that the bodily injury claim should go first.

They kept insisting that bellwether personal injury trial should go first, and Judge Kugler has rejected it, continues to reject it, hasn't -- doesn't have a bellwether preceding class cert.

It's clear to us, Your Honor, that the class cert is the issue that Judge Kugler wants to get to, and only after the defendants' persistence did he create a separate track for general causation. What our proposed schedule does is preserves that. It also respects the idea that Judge Kugler wanted this to really occur by the end of this calendar year, and because there's largely a disconnection between completing this fact discovery and those deadlines, what we've done is to try to accommodate the request of the defendants by enlargening (sic) the discovery period by 60 days, but not doing major disruption to the deadlines associated with general causation, *Daubert*, and Rule 23.

And if you look with care at our proposed schedule, I think it threads the needle and does both. It respects the negotiated endpoint of February, but at the same time, provides relief to complete this discovery in what is likely a more reasonable matter.

MR. GOLDBERG: Your Honor, this is Seth Goldberg.

JUDGE VANASKIE: Yes, Mr. Goldberg.

MR. GOLDBERG: Yes. If Your Honor still would entertain more on this.

JUDGE VANASKIE: Yes, I want to hear from you on this. Go ahead.

MR. GOLDBERG: This is, you know, this is really plaintiffs taking an opportunity to reset a schedule and to, you know, relitigate this issue or renegotiate this issue.

And when we discussed this with plaintiffs yesterday, this was not something that was brought up by plaintiffs during the call yesterday and it was certainly something that we did not envision plaintiffs would put into their brief today, but it is also recharacterizing the history of the negotiations in a way that does not square with what happened and the schedule that the parties agreed on and proposed to Judge Kugler reflects the very deliberate structuring of two phases of discovery, each approximately about four months, followed by the completion of the general causation *Daubert* issues, and hopefully, a ruling on those in late 2021, and then the completion of the class certification *Daubert* briefing in early 2022, finishing in March of 2022 and a potential ruling on class certification after that.

But it was -- it was always discussed that there would be this structuring, because Judge Kugler was explicit that there would be no class certification if general

causation had not been established.

What plaintiffs' schedule does is really ignore not just, not just the decisions about class certification -- the agreements made about the structure of the schedule as to class certification and general causation, the plaintiffs are also proposing compressing the two phases of discovery that need to follow in lockstep because we are still dealing with the third-party production issues, we're still dealing with a very large number of defendant depositions that are going to be of witnesses scattered around the globe, doing these things by Zoom on different time zones and really trying to compress all of that.

Because you'll notice on their proposed schedule, they are leaving the deadline for the second phase of discovery to be unchanged, so they're really proposing pushing the first phase of discovery into the second phase and compressing everything as it relates to discovery, and then compressing general causation and class certification, and it is -- it is entirely inconsistent with the agreements the parties reached after very careful negotiation, and proposed to Judge Kugler on January 5th.

And at the end, plaintiffs have not demonstrated why they would be prejudiced, and it really -- it really changed, unlikely that there could be any prejudice by a 60-day deadline or a 90-day deadline for all of these internal dates.

JUDGE VANASKIE: All right. Thank you very much.

Anything else on this from the plaintiffs' side?

MR HONIK: Your Honor, at the risk of saying too much on this subject, I think.

JUDGE VANASKIE: Mr. Honik?

MR HONIK: Yes, Your Honor, thank you. I'll be brief. The very idea that Judge Kugler has somehow ruled that general causation must proceed the class certification, it is fallacious, and here's why. We don't have to prove it and Your Honor knows this better than most. At the Rule 23 stage, we don't have to prove on the merits causation in the strict sense that we do in, say, bodily injury cases. What we have to prove is that it's susceptible to common proofs, and so this idea that I've now heard a half dozen times from Mr. Goldberg, that it has to so strictly precede it, I just think is incorrect. It's not what Judge Kugler has ruled, it's an interpretation of, frankly, Judge Kugler's comments about a year's insistence by the defendants that they have BI, bellwether, and causation, and it's a compromise that the Court struck.

In other words, the Court allowed for this separate track, but it didn't link it in the way that Mr. Goldberg is saying.

And so the only point I'm trying to make, it's less a function or a matter of plaintiffs' prejudice, but of honoring

what Judge Kugler has insisted is the way he wants to run this case, and that is, to entertain class certification of the economic claims first, and to do so at or by the end of this year.

That was the basis for the negotiation, and what we sent in in the way of a proposed schedule I think adequately reflects and respects what Judge Kugler expected of us, while at the same time, providing some relief as to what is really a discrete discovery issue.

Now, with that, I'll stop and thank you.

JUDGE VANASKIE: All right. Thank you very much.

Couple more questions. I'm trying to understand, is each side in this matter is saying, it has to be our way, or just keep the schedule in place as it exists today?

Are you saying that, Mr. Slater?

MR. SLATER: No, Your Honor. I think what we're saying is, we've made our best argument. We've explained to the Court the parameters we think would be necessary to make sure we don't run into more problems, but the issue has been joined and it's for Your Honor to resolve the question and we'll obviously abide by whatever you rule.

JUDGE VANASKIE: All right. And I was relieved to hear, Mr. Goldberg, that you're not proposing a pause in depositions, for example, that depositions can still go forward, because to me, that's very important that progress

continue to be made in that area, and not pause everything until all production issues have been resolved. And so I would, under any circumstance, expect that there are depositions that can move forward now and should move forward now, even if there are some outstanding document production issues. And bearing in mind that if a party wants to re-depose a witness, they carry a pretty heavy burden of showing the need for that.

But let me go back to the question I had, Mr. Goldberg, and that is, are you saying that unless every deadline is moved back either 60 or 90 days, you're withdrawing your request and you'll stick to the original schedule?

MR. GOLDBERG: Your Honor, I think that one of the challenges here is this schedule affects far more than just the manufacturer defendants, and so I cannot answer that question without understanding what the different dates are and how that would affect the other supply chain defendants, but --

JUDGE VANASKIE: But you are supporting a request -- excuse me, I'm sorry to interrupt. I thought you were finished.

But you are supporting a request that all the deadlines be moved back either 60 or 90 days.

MR. GOLDBERG: Correct, and we would certainly

compromise from our 90 to 60, and then have it be all dates, but we couldn't agree to an internal restructuring, because it affects all of the supply chain --

JUDGE VANASKIE: Okay.

MR. GOLDBERG: -- and their different obligations.

JUDGE VANASKIE: All right. Now, Mr. Slater, there were a couple of additional points in the letter that you sent to me earlier today. You were requesting the following parameters be established:

First, depositions that are imminent, that is scheduled in February, can be rescheduled on a witness-by-witness basis, but the parties should endeavor not to change the dates of all February depositions, especially those scheduled at the end of the month.

Now, that seems reasonable to me.

What's your view on that, Mr. Goldberg?

MR. GOLDBERG: I think our view is -- what we don't want to be doing is having depositions in February with the specter that these witnesses will be called back automatically.

JUDGE VANASKIE: Right. Understood.

MR. GOLDBERG: And that if plaintiffs want to go forward with a deposition in February, that they do so with the understanding that, as Your Honor put it, having a re-deposition is a very high burden, and not automatic, and

that -- that's where we would come out on the first issue.

JUDGE VANASKIE: All right. Mr. Slater, is your understanding different than that?

MR. SLATER: Yeah, I mean, we're not going to play a game of three-card monte with the defense, we're not going to take a deposition at our peril. I think that that -- you know, that's very problematic and I think it's not reasonable to ask. I think that -- that's why we said a witness-by-witness basis. If the defense says, look, this witness, we've completed the production, then we can move forward. If the defense says, look, we need to get more documents to you, then we wouldn't.

I mean, they know what they have and don't have. So it's for them to say. I mean, we just want to be able to --

JUDGE VANASKIE: Sure.

MR. SLATER: -- take these depositions on the cusp and we're not going to --

JUDGE VANASKIE: That's what I want to do.

MR. SLATER: Yeah, we're not going to roll the dice though and then find out which cup the ball is under at the end of the day to see if it turns out --

JUDGE VANASKIE: Right.

MR. SLATER: -- oh, well, you know, you waived your right even though we served, you know, ten really important documents a month later. I mean, it's -- it has to be won by

the same rule that applies on whether we need to re-depose. Again, we don't want to, but if something gets produced afterwards, you'd have to, you know, entertain it.

So they know what's been produced and not, so they should be able to say, you know, this witness should be able to be a go, and if not, we have to, you know, start rescheduling in a reasonable way right away, which is one of the other points we made in this letter.

JUDGE VANASKIE: And that point is, again, what?

MR. SLATER: That the balance of the depositions should commence no later than the beginning of March and be spread evenly.

JUDGE VANASKIE: Right.

MR. SLATER: And I think -- and we actually put in that we should get the new schedule done within two weeks.

JUDGE VANASKIE: Right.

MR. SLATER: That's Point 3, so that we have -- the parties are forced to nail down what the dates are now and get that all on the calender, just so this issue doesn't linger.

JUDGE VANASKIE: Sure, sure, understood.

MR. SLATER: It will save you some headaches, I'm sure.

JUDGE VANASKIE: Well, absolutely, and that's what I'm looking to do, save me some headaches.

I'm looking, you know, to me, everything sounds

pretty reasonable. And nobody is going to agree, I guess I'm going to have to just propose what I think is reasonable.

Again, redeposition will not be lightly undertaken, but there certainly can be circumstances that may warrant it. But I'm not looking for this to be an open invitation for seeking redeposition of witnesses, but you're not -- nobody is foreclosed on either side, if the circumstances warrant having another -- having that person sit again for a deposition. So I just want to try to be clear on that.

Item No. 4 in your list of parameters is meeting -- honoring their meet-and-confer obligations with regard to the 30(b)(6) deps. You already have that obligation.

Now, what are you seeking by this?

MR. SLATER: Well, we thought we did, and we had an issue earlier this week with Hetero where we contacted Hetero and sent them at the end of last week and then early Monday, some of these standard operating procedures for their quality control and CGMP application, and said, look, we're not finding a lot of things we should be finding, are we on the right track with what we have here? What else should we be -- you know, what else was in effect, because the alternative is, we sit down with your witness and say, list everything for us, and then I just have associates and others in the firms just pulling documents off the batches and then we find out the witness says, well, you know, there's a quality manual.

We couldn't find one predating a certain date, and they say, well, that should be there, and then we say, all right, well, it wasn't there. And now you're in a situation where we say, well, we're going to have to redepose this witness when we get that important manual.

So what we're trying to avoid -- and Hetero's view was, we're not here to help you and tell you how to take a deposition. But if you have a specific question, maybe we'll answer it. We got no answers to any of our questions and the deposition was supposed to start tomorrow, I'm taking it on that part of the deposition, you know, we're doing the best we can, but we are very, very sure that there's a bunch of SOPs that we don't have, either different iterations, what was in effect at different time periods. We just -- I've got, you know, five people scouring the production for days and there's certain things we're just not finding. We even sent an e-mail with a list of documents; we got no response. They say, we're not responding to your request for documents, and all it was was a request for, tell us, did you produce these, they're mentioned in your other documents, we need them, and there was no cooperation.

So what we're asking for now is, for the order to say that the parties must meet and confer and do what's necessary to make sure that the key documents -- I mean, these are objective documents, this isn't like subjective good

lawyering. This is just having the rule book basically so both sides know which rule book was in effect at a certain period of time, so we're dealing with the same level playing field and not going into a deposition and finding out that something wasn't produced or was named something differently and then having the risk of having to depose the witness again.

So we're asking for Your Honor to order that so that all the defendants will have to actually in good faith meet and confer well in advance of the depositions and make sure we have these key control and systemic documents.

I don't see why anyone would have a problem with it because the uncertainly creates a risk for the defense, frankly, for redeposition if the documents weren't produced.

JUDGE VANASKIE: Exactly, exactly. Does anybody want to be heard on this point for the defendants?

MR. GOLDBERG: Your Honor, this is Seth Goldberg. I'll chime in and then I certainly will invite my colleagues to weigh in as well.

I think Your Honor is right that defendants have a meet-and-confer obligation. I think the challenge is really trying to define the parameters of what happens in a meet and confer in the abstract, and each of the defendants has different document productions, different policies, different SOPs, different sales information. This is not a

1-size-fits-all case.

Each of the defendants has produced millions of pages of documents to plaintiffs and not all of the defense counsel are prepared on a given meet and confer to identify which document was -- was an operative document six years ago, eight years ago. Remember, Your Honor, the relevant period --

JUDGE VANASKIE: Right.

MR. GOLDBERG: -- goes back to 2007 or '8 for some of the defendants and all the way back to 2012 for others. And certainly, the defendants, I think, are open to meeting and conferring and talking about the 30(b)(6) topics, but one of the things that's happened in the past, is that plaintiffs are using these kinds of opportunities to depose counsel and to have counsel testify about what a document is, whether a document was the operative document, whether the document governed a certain area of the business, and that's not really our role. We certainly would like to enhance the efficiency of depositions so that plaintiffs are asking about -- potentially about the right documents, but it's very hard for counsel to be answering questions about the company's business. That's what the depositions are for.

I agree with plaintiffs, you know, it is a challenge when you've collected and produced millions of pages, it is a challenge to identify the key documents. That's -- the challenge goes for us, too. We're dealing with the same

production set as well.

That's part of the litigation process, and you get a lot of documents and you try your best. We're certainly open to discussing -- we would -- I would certainly suggest to Your Honor that an order that would somehow impose on counsel a burden to answer questions about documents that the counsel have no firsthand knowledge about, would not be -- it would be an order that would be very hard for counsel to adhere to, and it would be potentially exposing counsel and their clients to arguments later down the line that -- that they didn't participate in a 30(b)(6) in good faith, or that they failed to say something in a 30(b)(6) at a meet and confer that warranted a new deposition.

It just seems to be very hard to identify the right parameters for what a meet and confer or Rule 30(b)(6) topics should be.

MR. SLATER: Your Honor, it's Adam Slater.

JUDGE VANASKIE: Sure, Mr. Slater.

MR. SLATER: What you just heard and experienced, the bob and weave, is why we need an order. For counsel to say this is some kind of a difficult process. They have an obligation to prepare their 30(b)(6) witness to testify on this subject matter, so I'm not asking counsel to go and be a witness, we're asking counsel who is going to confer with the 30(b)(6) corporate representative, which is a significant

designation. That person, presumably, will be familiar with the document and be able to say these are the ones that matter.

So what you just heard is why we need an order, otherwise, the meet and confers turn into a bob and a weave and we never get anywhere. That was Exhibit A for why we need Your Honor to order this process.

JUDGE VANASKIE: And Item No. 5. Mr. Slater, you want a cast of characters list of the name, position, department, and e-mail addresses of each person named in the privilege log, and all privilege logs are to be revised and re-served to the extent necessary to provide the required substantive descriptions of the documents.

Now, that's a pretty substantial undertaking, at least with respect to redoing the privilege logs.

MR. SLATER: Yeah, Judge.

JUDGE VANASKIE: That presumes that they are inadequate. How do I know that?

MR. SLATER: Well, this is how -- I think it shouldn't be substantial if they comply with the rules that we're all familiar with, then they're compliant, and they'll say, okay, we stand by it. If it's not compliant, then we'll go to Your Honor, and we certainly can submit some examples, but if this is a self-executing order, they know -- the defense knows what a compliant privilege log is.

It's not a burden, frankly, that's unreasonable at all, because they have an obligation to do it. If they haven't done it, they need to do it, so anybody on the defense side who says this is unreasonable, it's only unreasonable if they have to actually do it from their perspective, but that means, it's reasonable because it's necessary.

So I wouldn't accept that that's a burden at all, and what this will allow us to do is actually to start to talk to the defendants about the privilege designation and to be able to know who -- they created the log, nobody forced them to do it. Nobody forced them to choose those documents, but they have an obligation to let us know who the players are on each document and to understand the substance of the document so we can have a substantive conversation.

If one of the defendants thinks that they have a compliant privilege log, they can send us an e-mail tonight or tomorrow and say, look, our privilege log complies. We can look at it. If we agree, we say great. If we don't agree, then we'll submit it to Your Honor for the next conference and say this is what we don't think is adequate. I mean, that's an easy one to take care of.

JUDGE VANASKIE: Yeah.

Who wants to address this on behalf of the defense?

MR. GOLDBERG: Your Honor, this is Seth Goldberg. Clem -- if Mr. Trischler is on the line, you know, I think

this is an issue that he has -- that Mylan has been addressing with plaintiffs, so I'll let him speak first, but I'll be happy to jump in after.

MR. STOY: Good afternoon, Your Honor, this is Frank Stoy on behalf of Mylan. Mr. Trischler had to unfortunately jump off of this call and return to the deposition that he was conducting in another matter.

I can speak briefly to this at least with respect to Mylan. We've been meeting and conferring with the plaintiffs about some issues that they have raised with us with respect to our privilege log. We have agreed to provide some of the cast-of-character-type information that Mr. Slater has referenced here in the form of a legend to assist plaintiffs in analyzing the documents that we have put on our log.

Beyond that, it -- at least at this point, we're analyzing some additional specific documents, about 400, that plaintiffs have identified to us that they think there may be privileged issues with, we are going to reproduce documents I think by the end of this week, to the extent that we're withdrawing privilege designations from those, and then we can continue the meet and confer with plaintiffs on those -- on additional documents to the extent necessary, which I believe is what's contemplated by the ESI protocol that is in place in this case.

So it's been our view, I don't think that the type of

broad relief that Mr. Slater appears to be requesting today is necessary. I think we're fulfilling our obligations under the ESI protocol right now, and, you know, we don't view any reason for any additional order on this subject at this point.

MR. DAVIS: Your Honor, this is John Davis. I've been involved in the discussions with Mylan. Can I respond?

JUDGE VANASKIE: Yes, absolutely, Mr. Davis.

MR. DAVIS: Sure. As I mentioned, if you recall the last time we spoke about this, I said that I had issues with Mylan's privilege logs that were both systemic and specific, and some of those 400-plus documents, including a number that I've identified for Frank that relate to a deponent that's supposed to be deposed on Friday, we've provided those, but there are systemic issues with Mylan's log, as Adam said, the repeat copy/pasting of the same descriptive entries over and over again I think is unacceptable.

I'm moving forward -- you know, my intent was never to not move forward on that, but I'm still allowed to present individual documents, especially with depositions coming up, to try and get those in advance of the deposition.

So I don't think -- and maybe you didn't mean this, Frank, but in no way am I waiving any of those systemic issues that I have with Mylan's log as a whole.

MR. GOLDBERG: Your Honor, this is Seth Goldberg.

JUDGE VANASKIE: Yes, Mr. Goldberg.

MR. GOLDBERG: I will first say that issues have not been raised with respect to other manufacturer defendants' privilege logs and that's why I had turned this to Mylan.

We don't think the relief plaintiff is requesting in this letter is appropriate as to the other manufacturer defendants. Issues as to their privilege logs have now been raised and are not ripe, if there are any, because they have not been raised.

JUDGE VANASKIE: Yes. On this issue of privilege logs, it needs to be presented in an appropriate fashion. It's being presented to me, from my perspective, in an abstract manner. I'm being told that information has not been provided that is essential for assessing whether a document should be protected by whatever privilege is being claimed, and that may very well be the case, but I really can't decide this in a vacuum.

I can't order somebody to provide, for example, a list of characters without understanding whether the log itself would be sufficient to identify the person in their role. I'm being told it's not there, and if that's the case, then I respectfully submit that the log would be deficient, but just to ask somebody to do something is not the appropriate way for this issue to be resolved.

What I would expect is that you would try to resolve it between yourselves, who ever -- whosever privilege log is

at issue, and the plaintiffs, and if you can't, then you tee it up for a resolution by me, recognizing that probably what you'd have to do is let me take a look at the privilege log. I don't know what it looks like right now.

Did you want to say something, Mr. Slater?

MR. SLATER: No. I appreciate what you said, Your Honor. We just wanted to make sure we got the issue into this letter because we realized this was an inflection point.

We will endeavor to get you excerpts from each of the privilege logs that we believe have issues, and we'll tee this up for the next conference so that you'll have the documentation.

I don't disagree with you, so -- we just want to make sure that we kept this in the game while we were dealing with all of these different issues together. Because it obviously benefits the defense again, if they have a privilege designation that ends up being stripped away after a witness's deposition or a 30(b)(6) witness deposition where that document would have been relevant, and it's a significant document, that creates a need to question a witness about it. So we're trying to get this done up front.

JUDGE VANASKIE: Okay. Appreciate that.

MR. SLATER: We'll get you the record you asked for --

JUDGE VANASKIE: All right. Thank you.

Does anyone else want to be heard on the matters that we've discussed thus far today?

All right. I will be issuing an order.

Number 1, I'm -- as I said before, I was happy to hear Mr. Goldberg say that the defense is not seeking a 90-day pause of depositions and that discovery will continue, including depositions. I expect that I will be issuing an order that extends by 60 days the current deadline for depositions of witnesses. The order will be more detailed. I want to study the question of the back end of the schedule and satisfy myself of the importance of keeping the back end of the schedule in place as originally was set forth in revised CMO 22, and I expect that you'll be able to, in the next two weeks, continue your discussions with respect to rescheduling depositions of individual witnesses and reaching agreement about what depositions can proceed at the present time and easing that schedule of depositions in Hong Kong so you're not double-tracking and triple-tracking depositions.

I think you'll now have the ability to do that.

I want to make it clear that this isn't an invitation to seek another extension of the deadlines. This is an opportunity to allow you to continue to proceed in an orderly fashion here. I understand the difficulties with a case of this complexity involving this number of parties, the enormous amount of document discovery that has occurred and

understanding that it's difficult to have it all occur and then be ready for depositions.

I think now this gives you the necessary flexibility to move forward in an orderly fashion without it being as frenetic as it was going to be, but it's got to get done, the discovery has to be completed within this -- within this extended period. As I said, I want to go back and look at CMO -- revised CMO 22, the back-end deadlines to see if and how they move.

Is there anything else?

MS. LOCKARD: Your Honor, if I may be heard. It's Victoria Lockard from Greenberg Traurig on behalf of Teva.

JUDGE VANASKIE: Absolutely.

MS. LOCKARD: I haven't jumped in because everything has been, you know, adequately conveyed. But I did want to make sure that Your Honor is clear when it comes to this issue about the restructuring of the schedule, and not -- not -- I think the back end was discussed, but Mr. Goldberg also mentioned that this will severely compress what is the second phase of fact discovery.

And I wanted to make clear that what is understood to happen during that second phase includes the depositions of a number of personal injury bellwether plaintiffs. It's going to be 18 plaintiffs, all of the treating physicians for 28 bellwether plaintiffs, and you can assume there will be three,

four, five for each of those, plus the depositions of all the third-party consultants, vendors, that all of the defendants hired to address this issue, plus the depositions of any new putative economic loss class reps, plus the depositions of any wholesaler, retailer, and pharmacy defendant.

That is an incredible amount of discovery and depositions to have to take place. Previously, we had four months. If we follow the revised, chopped-up reordered schedule, that takes the second phase of fact discovery from four months to two months to get all of that completed.

So I just didn't want that to be lost on the Court that in addition to the dispute over the jockeying between general causation and class action, there's also going to be a very real problem when we get to this point in July and June when we're trying to cover all the other fact depositions, besides just the parties.

So thank you for allowing me to address that and make that clear.

JUDGE VANASKIE: I appreciate you taking the time now to emphasize that point.

Did you want to be heard on that, Mr. Slater, the deadline for Phase 2 discovery?

MR. SLATER: You know, I'm not really sure that any relief was being requested just now, so, I don't know if there's really much to respond to other than --

JUDGE VANASKIE: Well, I think, the point is that under the defense proposal, that would have been pushed back -- they were asking 90 days, but if I said 60, Phase 2 discovery deadline would come 60 days after its current date, which I think is August 1st or August 2nd.

MR. SLATER: Yeah, I don't think that we have a problem with that in theory, but I will say that we will seek to probably take some of the third-party witnesses' depositions, if any, are going to be taken and maybe some that we want to take before our expert reports are due. But unless someone else on the plaintiff side has some particular granular concern, I don't think that I have an issue beyond that.

JUDGE VANASKIE: And did I understand the point correctly, Ms. Lockard?

MS. LOCKARD: Yes, you did get the point, Judge, and the point is that under plaintiffs' proposal, that second phase, that discovery deadline is unchanged, which in essence shrinks it from four months into two months. And so our proposal is to -- if we're pushing everything off 60, you know, this is another reason why we need to stick to the same cadence and schedule formulation that we agreed to, because -- so that everything flows from the prior phase.

JUDGE VANASKIE: All right. Thank you very much for that.

Is there anything else on behalf of the defense?

All right. Anything else on behalf of the plaintiffs?

All right.

Expect an order that extends the discovery deadline -- the initial discovery deadline, that April 1st deadline, by 60 days, and I'm going to look at all the other deadlines and see what makes sense.

Anything else?

MR. SLATER: No, Your Honor, for plaintiffs. Thank you for your consideration on such a quick pace and for listening to all of these unbriefed arguments.

JUDGE VANASKIE: Yeah, I want you all to have a little bit of breathing room here by the order that's being entered in this matter, not to say stop, but to recognize that you can now continue your work, your extensive work, incredible amount of work in hopefully a more orderly fashion, and we can get through these issues that will undoubtedly crop up in an orderly fashion as well.

All right. Thank you all very much.

RESPONSE: Thank you, Your Honor.

(2:20 p.m.)

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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/S/ Karen Friedlander, CRR, RMR
Court Reporter/Transcriber

February 3, 2021
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